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OFFICE OF PETITIONS

In re Application of
Terry Harmston
Application No. 10/046,682
Filed: 01/16/2002
Attorney Docket No. 20136

DECISION ON PETITION

This is response to the communication filed March 17, 2005, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. The application file was recently forwarded to the Office of Petitions. The undersigned immediately reviewed the matter and issued the decision below upon receiving the file. The Office sincerely apologizes for any inconvenience.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the nonfinal Office action mailed May 30, 2003, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on February 11, 2004.

Petitioner asserts that the Office action dated May 30, 2003, was not received because it was mailed to an incorrect correspondence address.

A review of the written record indicates an irregularity in the mailing of the Office action of May 30, 2003. In this regard, the Office received a substitute power of attorney and change of address on February 24, 2003, prior to the mailing of the Office action of May 30, 2003. The Office records were not updated to reflect the substitute power of attorney or new change of address. Accordingly, as the Office action was mailed to an incorrect address, the Notice of Abandonment mailed February 11, 2004, is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 3634 for re-mailing the Office action of May 30, 2003, and resetting the period for reply from date of the re-mailing of the Office action.

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